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MEMORANDUM FOR: [REDACTED]

SUBJECT: Policy on Requiring Employee Resignations

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1. This is to confirm our telephone conversation this morning on the results of our inquiry concerning Federal policy re the question of requiring or requesting employees to resign. This is the question which you discussed originally with [REDACTED]

2. The Regulations and Instructions Section, United States Civil Service Commission, has informed us that a previous issuance of the Federal Personnel Manual dated July 9, 1946, contained a section S-1, "Grounds for Separation," as follows:

"RESIGNATIONS:

Separations may be based on the employee's resignation - that is, his request for separation. An employee may not be required to resign. However, if he submits his resignation, it should be accepted, even though the Agency is considering separating him for cause or through a reduction-in-force."

3. According to the Civil Service Commission the above would still hold as a fundamental policy to be followed although the corresponding section of the current Federal Personnel Manual is not worded in the same fashion.

4. The pertinent reference in the current Federal Personnel Manual is found in section RL-30.01 which establishes reporting requirements in relation to resignations. This section requires that the following entries be made on Standard Form 50 under the circumstances indicated:

"If employee:

..Was removed for cause, or

..Resigned:

(1) To avoid removal while charges were pending,

(2) While charges were being prepared, or

(3) While investigation was being conducted to determine whether charges should be preferred, or

..Was separated because of disqualification, disability or inefficiency, or

..Resigned or was otherwise separated under circumstances which may reflect on his suitability for reemployment.

The nature of entry should be shown as follows:

- a. Give sufficient details for the Commission to determine the employee's reemployment eligibility and retirement rights (A mere reference to the letter of charges is not sufficient.)
- b. In case of resignation, add if applicable: "Resigned while action pending to separate for _____," or "Resigned while charges were being prepared for _____", or "Resigned during investigation to determine whether charges should be preferred for _____".

(Note: Such information must be given for persons serving in positions excepted by Schedule A or B of the Civil service rules or excepted by law as well as for employees in the competitive service.)"

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